

## **REMARKS**

Prosecution of this case is reopened after the Appeal Brief filed on December 8, 2008. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-53 are rejected under 35 U.S.C. § 102(e) as being anticipated by US RE 37722 by Burnard et al. ("Burnard").

Applicants amend independent claims 1, 9, 17, 25, 37, 41 and 45 to clarify that the graphical user interface is an interface of the application program and to move the requirement of the control object being independently editable relative to a different control object, within the phrase for storing or creating the graphical file, where that requirement is better placed. Applicants submit that no new matter is added herein as the amendments to the independent claims are supported at least at page 16, lines 3-28, page 22, lines 13-23; page 36, lines 3-9 and Figs. 4-6 of the application. Applicants also amend claims 49-50 to clarify that a graphical file program may be used to independently change the control objects which is supported as noted above and at page 14, line 16. Applicants amend claim 52 to clarify that the graphical user interface is an interface of the application, as supported at least at page 16, lines 3-28, page 22, lines 13-23; page 36, lines 3-9 and Figs. 4-6 of the application. Applicants submit additional claim 53 which is supported at least by claim 52. Hence, Applicants respectfully request reconsideration of the pending claims and consideration of the added claim.

### **I. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-53 are rejected under 35 U.S.C. § 102(e) as being anticipated by US RE 37722 by Burnard et al. ("Burnard").

Applicants disagree with the rejection of independent claims 1, 9, 17, 25, 37, 41 and 45 for at least the reason that the cited reference does not disclose a graphic file created by a computer program, the graphic file containing a list of control objects, wherein each control object is editable by a user, and is independently editable relative to a different control object; and an application program other than the computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface of the application program, the control element having at least one attribute dictated by one of the control objects accessed from the graphic file (limitations of claim 1 use representatively for claims 9, 17, 25, 37, 41 and 45).

Burnard describes creating a separate object oriented programming archive graphical user interface base class so that subclasses can be instantiated to provide an interface object through which the archived class can be directly accessed by an application program (see columns 10-12 and column 15, line 52 through column 16, line 64). The primary purpose of Burnard is to provide a prefab functionality for system level services which developers can modify or overwrite to create customized solutions, thereby avoiding the awkward procedural calls necessary with the prior art application framework programs (see column 10, lines 1-8). The objects are created and stored by a separate “constructor” program using a special “escort” object (see column 4, line 60 through column 5, line 8 and column 16, line 65 through column 32, line 67). A subclass of the base class archive file is instantiated by compiling the names of the subset of desired archived objects selected from the base class into an application program so that those selected objects are bundled as a subclass into the shared library associated with the application program for compiling (see column 7, lines 40-57; column 8, lines 7-37; column 11, lines 42-52; column 12, lines 17-20; column 15, line through column 16, line 64).

However, the Patent Office has not identified and Applicants are unable to find any disclosure in Burnard of the above noted limitations of the independent claims. Specifically, Burnard does not disclose accessing a stored graphical file created by a multi-layered type computer type program, to display a control element from the graphic file on the graphical user interface of an application program other than the multi-layered type computer program, where the control element has an attribute dictated by one of the control objects, as claimed.

In addition to being dependent upon allowable base claims, Applicants disagree with the rejection of dependent claims 6, 14, 22, and 30 for at least the reason that Burnard does not teach that the control element is an edit control to manipulate a time-based stream of information, as required by those claims. Burnard teaches that objects may contain translations of various languages and translations for use in different time zones such as the pacific time zone, eastern time zone, central time zone, etc. (see Fig. 3A and column 13, lines 22-44). However, these geographic time zones do not describe an edit control to manipulate a time-based stream of information, as required by the dependent claims 6, 14, 22, and 30.

In addition to being based on an allowable base claim, Applicants disagree with the rejection above of claim 52 for at least the reason that the cited references do not teach that the

application program comprises a video editing program, as required by claim 52. An argument analogous to the one above for claim 6 applies here as well.

Applicants also disagree with the rejection of claim 52 for at least the reason that Burnard does not teach that the control objects may be edited to revise the control elements of the graphical user interface of the application without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application program, as required by claim 52. Burnard describes that the constructors view editor may be used to directly manipulate the user interface elements of the user interface archive file base class, without compiling (see column 29, lines 16-54). However, this does not describe editing control objects to revise the control elements of the graphical user interface of the application program without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application, as required by claim 52. As noted above, the object oriented programming of Burnard requires compiling of the program and the subclass of archived objects bundled into a shared library associated with the program (see column 7, lines 40-54; column 11, lines 40-52; and column 15, line 53 through column 16, line 64).

An analogous argument applies to additional claim 54 as well.

Applicants submit that any dependent claims not mentioned above are patentable over the cited references for at least the reasons provided above in support of their base claims as well as any additional limitations of those dependent claims.

Hence Applicants respectfully request all of the rejections above be withdrawn.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

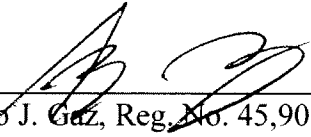
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Dated: \_\_\_\_\_

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